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June 30, 2005

VIA CM/ECF

The Honorable Joseph J. Farnan, Jr.
Lock Box 27
United State District Court
District of Delaware
844 North King Street
Wilmington, DE 19801

RE: Adkins v. Rumsfeld et al., C.A.No. 04-1453-JJF

Dear Judge Farnan,

I write to call to your attention to a recent public employee free speech retaliation case from the Third Circuit Court of Appeals that bears directly upon defendants' pending motion to dismiss.

The case is McGreevy v. Stroup, -- F.3d --, 2005 WL 1515891 (3d Cir. June 28, 2005). In this reported opinion, a public employee spoke out about several issues, including "unlicensed pesticide spraying which caused many students and teachers to become ill." Id. at *1; see also id. at *2. The Third Circuit held that this health related speech about the poisoning of public employees and others was a "matter[] of true public concern." Id. at *4.

This recent holding strongly reinforces the legal argument set forth at pages 18-19 of Plaintiff's Answering Brief. In other words, Sgt. Adkins' speech regarding the poisoning of himself and other Air Force personnel by the infliction upon them of an illegal and tainted anthrax vaccine is a matter of strong public concern.

Respectfully Submitted,

/s/ Stephen J. Neuberger

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cc: Thomas S. Neuberger, Esq. (Via CM/ECF)
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S.Sgt. Jason A. Adkins (Via U.S. Mail)

Adkins, Jason / letters / Farnan.01